

REGULAR MEETING OF THE  
OKLAHOMA WORKERS' COMPENSATION  
COMMISSION

~ APPEALS ~

Friday May 17, 2019  
9:00 a.m.  
Commission Chambers  
1915 N. Stiles Ave.  
Oklahoma City, Oklahoma  
www.wcc.ok.gov

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*MINUTES*

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Members present: Chairman Mark Liotta, Commissioner Jordan Russell and Commissioner Megan Tilly.

Staff present to support the Commission: Lindsey Christopher, Dana Esparza and Monica Pack.

**STATEMENT OF OKLAHOMA OPEN MEETING LAW COMPLIANCE**

Chairman Liotta stated the administrative meeting was being held in compliance with the Open Meetings Act.

**CALL TO ORDER .....Presiding Appellate Officer, Chairman Liotta**

Call to order 9:00 a.m. by Chairman Liotta, Presiding Appellate Officer.

**ROLL CALL .....Presiding Appellate Officer, Chairman Liotta**

After the roll call was taken, Chairman Liotta announced the presence of a Quorum.

**A. MINUTES:**

- The drafted Minutes of the Regular Appeal Meeting of April 19, 2019, were considered for approval.

**Motion:** Commissioner Tilly made a motion to approve the Regular Appeal Meeting of April 19, 2019, minutes.

**Second:** Commissioner Russell

**Those Voting Aye:** Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

**THE MOTION CARRIED: MINUTES APPROVED**

**B. Appeal Hearings before the Commission En Banc from Orders Issued by the Commission's Administrative Law Judges**

**1. Juan M. Padilla v. K&S Pumping Unit Repair Inc. and CompSource Mutual Ins. (FKA CompSource Oklahoma) File #CM2014-09629X**

Claimant filed an appeal from the order issued by Administrative Law Judge Curtin. John P. Melot is the attorney of record for the Claimant and Darren Derryberry is the attorney of record for the Respondent.

Prior to oral argument, the Commission received e-mail correspondence from the parties submitting this case on the record.

**Motion:** After reviewing the record and deliberating, Commissioner Tilly moved to affirm the Administrative Law Judge's order and authorized the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

**Second:** Commissioner Russell

**Those Voting Aye:** Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

**THE MOTION CARRIED: ALJ ORDER AFFIRMED**

**2. Ronnie Pressler v. Lowes Home Centers LLC (Own Risk #18931), File #CM2016-06814H**

Claimant filed an appeal from the order issued by Administrative Law Judge Inhofe. Darrel R. Paul represented the Claimant and Cyrus Nathaniel Lawyer represented the Respondent.

**Motion:** After reviewing the record, hearing oral argument of counsel and deliberating, Commissioner Tilly moved to affirm the Administrative Law Judge's order with notation that issues under 85A O.S. §69(B) are reserved and authorized the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

**Second:** Commissioner Russell

**Those Voting Aye:** Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

**THE MOTION CARRIED: ALJ ORDER AFFIRMED**

**3. Jamesina S. Baker v. Covenant Place of Tulsa Inc. & Travelers Indemnity Co. of America File #CM2017-01903A**

Respondent filed an appeal from the order issued by Administrative Law Judge Lawyer. Darrel R. Paul represented the Claimant and Catherine C. Taylor represented the Respondent.

**Motion:** After reviewing the record, hearing oral argument of counsel and deliberating, Commissioner Tilly moved to take this case under advisement.

**Second:** Commissioner Russell

**Those Voting Aye:** Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

**THE MOTION CARRIED: TAKEN UNDER ADVISEMENT**

**4. Michael P. Sechrist v. XIT Concrete and Texas Mutual Insurance Co. (NLC), File #CM2017-04751J**

Claimant filed an appeal from the order issued by Administrative Law Judge Inhofe. James G. Devinney represented the Claimant and Jennifer Ahrend represented the Respondent.

**Motion:** After reviewing the record, hearing oral argument of counsel and deliberating, Commissioner Russell moved to affirm the Administrative Law Judge's order and authorized the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

**Second:** Commissioner Tilly

**Those Voting Aye:** Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

**THE MOTION CARRIED: ALJ ORDER AFFIRMED**

**5. Albert Mitchell Jr. v. Loomis Armored US LLC & Ace American Insurance Co. (NLC), File #CM2017-04751J**

Respondent filed an appeal from the order issued by Administrative Law Judge Egan. Daniel M. Davis represented the Claimant and Grant M. Spencer represented the Respondent.

**Motion:** After reviewing the record, hearing oral argument of counsel and deliberating, Commissioner Russell moved to affirm the Administrative Law Judge's order and authorized the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

**Second:** Commissioner Tilly

**Those Voting Aye:** Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

**THE MOTION CARRIED: ALJ ORDER AFFIRMED**

**6. Julio Cesar (Perez) Gomez v. Encinos 3D Custom Products LLC and/or D. Trent Holman & Assoc. Inc., and CompSource Mutual Ins. Co. (FKA CompSource Oklahoma), File #CM2017-02108L**

Claimant filed an appeal from the order issued by Administrative Law Judge Egan. Bryce A. Hill represented the Claimant. Doug Thomas represented the Respondent Encinos 3D. Leah P. Keele represented the Respondent D. Trent Holman & Associates. Dana L. Gish represented the Respondent CompSource Mutual.

**Motion:** After reviewing the record, hearing oral argument of counsel and deliberating, Commissioner Tilly moved to take this case under advisement.

**Second:** Commissioner Russell

**Those Voting Aye:** Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

**THE MOTION CARRIED: TAKEN UNDER ADVISEMENT**

**C. Commission Consideration of Adoption of Final Orders in the Following Cases:**

**1. Dustin Wilson v. Dirt Wurx LLC, CompSource Mutual Ins. Co. (FKA CompSource Oklahoma), File #CM2018-00497R**

Respondent filed an appeal from the order issued by Administrative Law Judge Inhofe. Robert A. Flynn is the attorney of record for the Claimant and Blake I. Whitten is the attorney of record for the Respondent.

This case came on for Oral Argument on February 1, 2019. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took preliminary action to reverse the Administrative Law Judge's order and instruct Commission Counsel or other staff member to draft a proposed order to be considered at a future meeting.

**Motion:** Commissioner Russell moved to adopt the order as proposed.

**Second:** Commissioner Tilly.

**Those Voting Aye:** Chairman Liotta, Commissioner Russell and Commissioner Tilly.

**THE MOTION CARRIED: ORDER ADOPTED**

**2. Crescencio Rodriguez v. Trinity Industries Inc. & Ace American Insurance Co. File #CM2016-07223L**

Respondent filed an appeal from the order issued by Administrative Law Judge Lawyer. Craig R. Armstrong represented the Claimant and Travis A. Fulkerson represented the Respondent.

This case came on for Oral Argument on February 22, 2019. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took this case under advisement.

**3. Albert L. Hudson v. McClain County, CompSource Mutual Ins. Co. (FKA CompSource Oklahoma), File#CM2017-01699F**

Respondent filed a motion to vacate the decision of the Commission en banc entered on April 24, 2018. After reviewing the record and deliberating, a proposed order has been circulated for consideration of adoption.

**Motion:** Commissioner Russell moved to adopt the order as proposed.

**Second:** Commissioner Tilly.

**Those Voting Aye:** Chairman Liotta, Commissioner Russell and Commissioner Tilly.

**THE MOTION CARRIED: ORDER ADOPTED**

**4. Shawna L. James v. Braums Ice Cream & Dairy Stores (Own Risk #13610), File #CM2017-02909L**

Respondent filed an appeal from the order issued by Administrative Law Judge Inhofe. Eric W. Quandt is the attorney of record for the Claimant. Travis A. Fulkerson is the attorney of record for the Respondent.

This case came on for Oral Argument on February 22, 2019. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took preliminary action to affirm the Administrative Law Judges Order and instruct Appellate Counsel or another staff member to draft a proposed order with findings of fact and conclusions of law for consideration at a future meeting.

**5. Gail Lee Ross v. Multiple Injury Fund File #CM2015-03929AMIF**

Claimant filed an appeal from the order issued by Administrative Law Judge Egan. Laura Beth Murphy represented the Claimant and Heather Fagan represented the Respondent.

This case came on for Oral Argument on March 22, 2019. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took preliminary action to reverse the Administrative Law Judges Order and instructed Appellate Counsel or other staff member to draft a proposed order to be considered at a future meeting.

**6. Stephanie T. Adkins v. Lowes Home Centers LLC ( Own Risk #18931), File #CM2017-07709J**

Respondent filed an appeal from the order issued by Administrative Law Judge Egan. Gary G. Prochaska represented the claimant and Jennifer Ahrend represented the Respondent.

This case came on for Oral Argument on March 22, 2019. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took this case under advisement.

**7. Darlene Johnson v. Midwest City Del City Public Schools (Own Risk #16102, File #CM2017-07066Y**

Respondent filed an appeal from the order issued by Administrative Law Judge Egan. William Emig represented the Claimant and Jeffrey W. Dasovich represented the Respondent.

This case came on for Oral Argument on April 19, 2019. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took this case under advisement.

**8. Emily Stover v. Stand By Personnel Inc., and CompSource Mutual Ins. Co. (FKA CompSource Oklahoma), File #CM2018-00076Y**

Claimant filed an appeal from the order issued by Administrative Law Judge Inhofe. Bret A. Unterschuetz represented the Claimant and Blake I. Whitten represented the Respondent.

This case came on for Oral Argument on April 19, 2019. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took this case under advisement.

**Motion:** Commissioner Tilly moved to continue to the remaining orders to the next special appellate docket.

**Second:** Commissioner Russell

**Those Voting Aye:** Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

**THE MOTION CARRIED:            REMAINING ORDERS CONTINUED**

#### **D. Announcements**

Commission's next regular business meeting is Thursday, June 20, 2019.  
Commission's next special meeting regarding Appeals is scheduled for  
Friday, May 24, 2019.

#### **ADJOURNMENT**

***Motion:*** Commissioner Tilly moved to adjourn the meeting at approximately 2:34 p.m.

***Second:*** Commissioner Russell.

***Those Voting Aye:*** Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

**THE MOTION CARRIED: THE MEETING WAS ADJOURNED.**